

LATHAM CENTERS, INC.

PROCEDURE: ANTI-BULLYING / ANTI-HAZING PROCEDURE	
Related Policy:	Policy on Services to Children
Focus Area:	Children's Services
Approved by: Lee Chamberlain	Date(s): 8/3/2021 Revised/Reviewed:
Policy & Procedure Code: CS 6.01 P34	

Scope: All Latham Centers students, employees, and consultants are responsible for abiding by this procedure, both on- and off-campus.

Rationale: The purpose of this procedure is to define hazing and bullying, describe reporting structure for complaints of hazing or bullying, and outline procedures regarding investigation and referral of hazing or bullying. Hazing and bullying at Latham Centers are strictly prohibited and will not be tolerated. Latham Centers is committed to promoting a safe and healthy environment for all members of the community, and to prevent hazing/bullying before it occurs, and providing appropriate remedial action in instances when hazing occurs.

Definitions: Bullying, including "cyberbullying," is any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students or staff that has or can be reasonably predicted to have the effect of one or more of the following: 1) Placing the student or students in reasonable fear of harm to the student's or students' person or property; 2) Causing a substantially detrimental effect on the student's or students' physical or mental health; 3) Substantially interfering with the student's or students' academic performance; or 4) Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

The term "hazing" as used in this procedure shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any investigation or prosecution under Massachusetts General Laws.

Bullying and/or Hazing is contrary to State law.

This Latham Centers Anti-Bullying / Anti-Hazing Procedure is:

1. Based on engagement with a range of school stakeholders, including students and parents or guardians.
2. Posted where other policies, rules, or standards of conduct are posted in the school.
3. Included in the student handbook.
4. Distributed annually to parents, guardians, students, and school personnel, including new employees when hired.
5. Posted as a hyperlink on <https://www.lathamcenters.org/what-we-do/latham-school/>
6. In alignment with the other policies of Latham Centers (approved by the Board of Directors).

Procedure: Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. Any instance of bullying or retaliation the staff member becomes aware of or witnesses must be reported by staff immediately to the Director of Education or designee; or to the Director of Children's Services when the Director of Education or assistant principal is the alleged aggressor; or to the VP of Organizational Development when the Director of Children's Services is the alleged aggressor. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The school will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form/GER. Use of this form is not a required condition of reporting.

The school will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for the school community, students and parents or guardians; 2) make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the Director of Education or designee; and 3) post it on the school's website. The Incident Reporting Form is available in the most prevalent language(s) of origin of students and parents or guardians.

Reporting of Bullying/Hazing

Reporting by Students

The student and staff witness, or reporter shall promptly report bullying to the Director of Education. If a student wishes to remain anonymous, they can leave an anonymous note of concern in the box outside of the Director of Education's office. Student does not need to leave their name, but should be as specific as possible, leaving times, dates, and other information, that is crucial to resolving the problem. If experiencing a serious problem that needs urgent attention, the student is urged to tell a trusted staff member as soon as possible.

When a staff member witnesses or becomes aware of conduct that may be bullying or retaliation, they will report immediately to the Director of Education or designee; or to the Director of Children's Services or designee when the Director of Education or the Assistant Principal is the alleged aggressor; or to the VP of Organizational Development or designee when the Director of Children's Services is the alleged aggressor. The requirement to report as provided does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or agency's policies and procedures for behavior management and discipline.

Reporting by Students, Parents or Guardians, and Others

The school expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the Director of Education or designee; or Director of Children's Services or designee when the Director of Education or Assistant Principal is the alleged aggressor. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private, and developmentally appropriate as well as age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the Director of Education or designee, or Director of Children's Services or designee when the Director of Education or Assistant Principal is the alleged aggressor.

Responding to a report of bullying or retaliation – Allegations of Bullying by a Student

1. Safety

Before fully investigating the allegations of bullying or retaliation, the Director of Education or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or in residence; identifying a staff member who will act as a "safe person" for the target; and altering the aggressor's schedule and access to the target. The Director of Education or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The Director of Education or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

2. Obligations to Notify Others

- a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the Director of Education or designee will promptly notify the parents or guardians of the target and the student aggressor of this, and of the procedures for responding to it. There may be circumstances in which the Director of Education or designee contacts parents or guardians prior to any investigation. Notice will be consistent with MA state regulations at 603 CMR 49.00.
- b. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the Director of Education or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the Director of Education or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the Director will notify the local law enforcement agency. Notice will be consistent with the requirements of MA Regulations 603 CMR 49.00 and locally established agreements with

the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the Director of Education or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the student aggressor.

3. Investigation

- a) The Director of Education or designee will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students/staff involved.
- b) During the investigation the Director of Education or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The Director of Education or designee (or whomever is conducting the investigation) will remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation to be truthful and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.
- c) Interviews may be conducted by the Director of Education or designee, other staff members as determined by the principal or designee, and in consultation with the Director of Social Services, as appropriate. To the extent practicable and given his/her obligation to investigate and address the matter, the Director of Education or designee will maintain confidentiality during the investigative process. The Director of Education or designee will maintain a written record of the investigation.
- d) Investigations include:

Making all reasonable efforts to complete the investigation within ten (10) school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the investigation about the reported incident of bullying.

 - Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
 - Notifying the Director of Children's Services or school administrator or his or her designee of the report of the incident of bullying as soon as possible after the report is received.
 - Consistent with Federal and State laws and rules governing student privacy rights and providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the school administrator or designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.
 - Latham Centers investigates whether a reported act of bullying is within the permissible scope of the jurisdiction. Furthermore, the school provides the victim with information regarding services that are available at Latham Centers, and within the community, such as counseling, support services, and other programs.

Determinations

1. The principal or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the Director of Education or designee will take steps reasonably calculated to prevent recurrence and to

ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

2. Depending upon the circumstances, the Director of Education or designee may choose to consult with the students' teacher(s) and/or clinician, and the target's or student aggressor's parents or guardians, and/or staff person's supervisor(s) to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.
3. The Director of Education or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the Director of Education or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.
4. The Director of Education or designee shall inform the parent or guardian of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

Responses to Bullying

Upon the Director of Education or designee determining that bullying or retaliation has occurred, Latham is required by law to use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O (d) (v). Skill-building approaches that the Director of Education or designee may consider include:

1. Teaching Appropriate Behavior Through Skills-building

- a. offering individualized skill-building sessions based on the school's/district's anti-bullying curricula;
- b. providing relevant educational activities for individual students or groups of students/staff, in consultation with clinicians and other appropriate school personnel;
- c. implementing a range of academic and nonacademic positive behavioral supports to help students/staff understand pro-social ways to achieve their goals;
- d. meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home.
- e. adopting behavioral plans to include a focus on developing specific social skills; and
- f. making a referral for evaluation.

2. Taking Disciplinary Action

If the Director of Education or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Director of Education or designee, including the nature of the conduct, the age of the student(s)/staff involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the school's code of conduct.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with MA GL regarding student discipline.

If the Director of Education or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

Interventions that can be taken to address bullying may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.

3. Promoting Safety for the Target and Others

The Director of Education or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that may be used is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the Director of Education or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the Director of Education or designee will work with appropriate school staff to implement them immediately.

COLLABORATION WITH FAMILIES

Parent education and resources. The school will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district or school. The programs will be offered in collaboration with the parent group or similar organization.

Notification requirements. Each year the school will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. The school will send parents written notice each year about the student-related sections of the Plan and the school's Internet safety procedure. All notices and information made available to parents or guardians will be in hard copy and electronic formats and will be available in the language(s) most prevalent among parents or guardians. The school or district will post the Plan and related information on its website.

PROHIBITION AGAINST BULLYING AND RETALIATION

Acts of bullying, which include cyberbullying, are prohibited:

- a. on school grounds and property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, on a school van or other vehicle owned, leased, or used by the school or agency; or through the use of technology or an electronic device owned, leased, or used by a school or agency and
- b. at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is also prohibited.

Retaliation Statement:

Latham Centers prohibits reprisal or retaliation against any person who reports an act of bullying. For the retaliator, Latham Centers would provide school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.

False Accusation Statement:

For a person found to have falsely accused another of bullying as a means of retaliation or as a means of bullying, Latham Centers would provide school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.

As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires the school to staff any non-school related activities, functions, or programs.

DEFINITIONS

Several of the following definitions are copied directly from M.G.L. c. 71, § 37O, as noted below.

Aggressor is a student or a member of a school staff who engages in bullying, cyberbullying, or retaliation towards a student.

Bullying, as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students or a member of a school staff of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- i. causes physical or emotional harm to the target or damage to the target's property;
- ii. places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- iii. creates a hostile environment at school for the target;
- iv. infringes on the rights of the target at school; or
- v. materially and substantially disrupts the education process or the orderly operation of a school.

Cyberbullying, is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L. c. 71, § 37O for the legal definition of cyberbullying.

Hostile environment, as defined in M.G.L. c. 71, § 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

School Staff includes, but is not limited to, educators, administrators, counselors, school nurses, dining staff, and support staff.

Target is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of the school, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, religion, ancestry, national origin, sex, socioeconomic status, academic status, gender identity or expression, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. Nothing in the Plan prevents the school or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies.

In addition, nothing in the policy/procedure is designed or intended to limit the authority of the school to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H¹/₂, M.G.L. c. 71, §§41 and 42, M.G.L.c 76 § 5, or other applicable laws, or local school or district policies, or collective bargaining agreements, in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

Evaluation of Effectiveness of the Bullying Procedure:

- 1) Latham Centers tracks the frequency of victimization and types of bullying for all students, including peer-to-peer aggressions in our Weekly General Event Report Review.
- 2) Latham Centers' staff includes clinicians, behavior specialists, behavior technicians, directors, and consultants who observe classrooms and residential locations as is necessary based on peer-to-peer/student interactions. Latham Centers utilizes in-person observations for staff and in-person or virtual observations for consultants.
- 3) Latham Centers tracks the location on-site and off-site where bullying occurs and makes necessary changes to meet victimized student's needs. Latham Centers considers both the educational and residential location of the students during, after, and before the bullying events.
- 4) Due to Latham Centers' population and student profile, we do not encourage bystanders in the community or other students to become involved in peer-to-peer bullying or student aggressions, however, students are encouraged to seek out staff involvement immediately when situations are observed.
- 5) The information developed as part of the evaluation process is posted on Latham Centers' intranet and website. The information is also provided to school administrators, board members, school personnel, parents, guardians, and students.